

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:)
) Bankruptcy No. 17-21538-GLT
DWAYNE R. HAGERTY and)
SALLY E. HAGERTY)
) Chapter 13
Debtor,)
) UNITED STATES OF AMERICA,)
DEPARTMENT OF EDUCATION,) **Hearing Date:**
) Movant,)
) Related to Docket No. 192
v.)
) DWAYNE R. HAGERTY and)
SALLY E. HAGERTY)
) Respondent.)

CONSENT AGREEMENT

The United States of America, on behalf of the United States Department of Education (“Education”), by and through its attorneys, Stephen R. Kaufman, Acting United States Attorney, and Jill Locnikar, Assistant United States Attorney, and Lauren M. Lamb, counsel for Debtors, file this Consent Agreement regarding the Education’s Proof of Claim and, in support thereof, states as follows:

1. Dwayne R. Hagerty and Sally E. Hagerty ("Debtors") filed a voluntary petition for relief under Chapter 13 of the United States Bankruptcy Code (the "Bankruptcy Code") on April 13, 2017. See Dkt. No. 1.
2. On September 18, 2017, Education filed a proof of claim in the amount of \$93,431.10 (Claim #6-2). This claim was subsequently withdrawn in error on November 12, 2019.

3. On October 15, 2017, Navient Solutions, LLC, on behalf of the Department of Education, filed a proof of claim in the amount of \$15,555.20 (Claim #7-2). That claim was not withdrawn.

4. On July 1, 2020, the Debtors filed an amended plan. The plan was confirmed on September 20, 2020. The plan required Debtors to make a monthly plan payment of \$4,611.00. The plan required a monthly payment on Education's Claim #6-2 of \$603.00 and a monthly payment of \$118 on Claim #7-2.

5. The Trustee made payments to Education until such time as Claim #6-2 was withdrawn (in error). Consequently, the Trustee collected the plan payments but did not distribute payments to Education (prior to the withdrawal of Claim #6-2, Education received one payment on October 29, 2019 in the amount of \$603.00).

6. Debtors' counsel has contacted counsel for Education requesting that the funds being held by the Trustee for payment to Education be used to pay the plan in full early rather than being paid to Education.

7. The parties have reached an agreement.

8. The parties hereby agree that:

a. The provision for payment of Education (Claim #6-2) shall be deemed stricken from the plan, and Trustee's record for the claim (CID #31) shall be closed off. All prior payment on account of Claim #6-2 are ratified and confirmed as proper and shall be retained by Education.

b. All amounts the Trustee currently has on reserve for Education (Claim #6-2) shall be released for general plan funding.

c. Payments on Claim #7-2 shall continue in accordance with the plan.

d. The Debtors agree that the claims of Education are nondischargeable.

- e. Debtors agree that they will commence making monthly payments to Education upon completion of the plan or dismissal of the case, within forty-five days of either event. Debtors agree to make monthly payments to Education based on then current loan balances. Both Debtors will remain eligible for any and all repayments plans offered by Education.
- f. The parties agree each party will be responsible for their own attorney's fees and costs incurred in this matter.

WHEREFORE, the United States of America, on behalf of the Department of Education,
and with the consent of the Debtors, respectfully request that this Honorable Court approve this
Consent Agreement.

Respectfully submitted,

June 2, 2021

STEPHEN R. KAUFMAN
Acting United States Attorney

/s/ Jill Locnikar
JILL LOCNIKAR
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CONSENTED TO:

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Kate DeSimone
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IT IS SO ORDERED


Gregory J. Taddonio, Judge
United States Bankruptcy Court

DATED: June 02, 2021

In re:
Dwayne R. Hagerty
Sally E. Hagerty
Debtors

Case No. 17-21538-GLT
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2
Date Rcvd: Jun 02, 2021

User: dpas
Form ID: pdf900

Page 1 of 2
Total Noticed: 2

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 04, 2021:

Recip ID	Recipient Name and Address
db/jdb	+ Dwayne R. Hagerty, Sally E. Hagerty, 157 Blackhawk Road, Beaver Falls, PA 15010-1271
cr	+ United States of America, United States Department, 700 Grant Street, Suite 4000, Pittsburgh, PA 15219-1956

TOTAL: 2

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 04, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 2, 2021 at the address(es) listed below:

Name	Email Address
Brian Nicholas	on behalf of Creditor PNC Bank National Association bnicholas@kmlawgroup.com
Brian Nicholas	on behalf of Creditor PNC BANK NATIONAL ASSOCIATION bnicholas@kmlawgroup.com
David Neeren	on behalf of Attorney David Neeren dneeren@rasnj.com
Jill Locnikar	on behalf of Creditor United States of America United States Department of Education jill.locnikar@usdoj.gov, patricia.fitzgerald@usdoj.gov;caseview.ecf@usdoj.gov;kassi.horton@usdoj.gov
Lauren M. Lamb	on behalf of Joint Debtor Sally E. Hagerty

District/off: 0315-2

User: dpas

Page 2 of 2

Date Rcvd: Jun 02, 2021

Form ID: pdf900

Total Noticed: 2

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Lauren M. Lamb

on behalf of Debtor Dwayne R. Hagerty
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Leon P. Haller

on behalf of Creditor Pennsylvania Housing Finance Agency Homeowner's Emergency Mortgage Assistance Program
(PHFA-HEMAP) lhaller@pkh.com dmaurer@pkh.com;lrynard@pkh.com;mgutshall@pkh.com

Office of the United States Trustee

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Ronda J. Winnecour

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TOTAL: 9